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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE CALIFORNIA BAIL BOND
ANTITRUST LITIGATION

This Document Relates To:

ALL ACTIONS

Lead Case No. 19-CV-00717-JST

**JOINT CASE MANAGEMENT
STATEMENT**

Date: October 19, 2021
Time: 2:00 p.m.
Location: Courtroom 9
Judge: The Honorable Jon S. Tigar

1 Pursuant to Civil Local Rule 16-9(d), the parties in the above-captioned case submit this
 2 Joint Case Management Statement in advance of the October 19, 2021 case management
 3 conference. The parties agree that postponement of the October 19 conference would be
 4 appropriate while pre-amendment document discovery proceeds.

5 **I. PROGRESS SINCE LAST CASE MANAGEMENT CONFERENCE**

6 **A. Background**

7 The last case management conference occurred on January 5, 2021 following this Court
 8 granting in part and denying in part Defendants' motion to dismiss. ECF Nos. 159, 160. The
 9 Court held that the Second Consolidated Amended Complaint ("SCAC") "plausibly alleges an
 10 antitrust conspiracy among the surety Defendants" and that the SCAC plausibly alleges
 11 Defendants American Surety Company ("ASC") and William Carmichael's participation in that
 12 conspiracy. ECF No. 159 at 17, 21–23. However, the Court also found that the SCAC failed to
 13 allege a conspiracy among the bail agent Defendants (*id.* at 11), and insufficiently alleged the
 14 participation of the remaining Defendants ("Dismissed Defendants"¹). *Id.* at 19–23. The Court
 15 granted the motion to dismiss without prejudice with respect to the Dismissed Defendants, but
 16 provided that Plaintiffs would have the opportunity for discovery regarding the participation of
 17 the Dismissed Defendants in the alleged conspiracy before filing their Third Consolidated
 18 Amended Complaint ("TCAC"), and on January 25, 2021 referred the management of discovery
 19 to Magistrate Judge Donna Ryu. ECF No. 175. The Court then continued the case management
 20 conference scheduled for January 26, 2021 three times: first to May 3, 2021 (*id.*), again on May 1,
 21 2021 to June 21, 2021 (ECF No. 189), and once more on June 11, 2021 to October 19, 2021 (ECF
 22 No. 203), while the parties attempted to complete pre-amendment discovery.

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 24 ¹ For the avoidance of doubt, the Dismissed Defendants include Allegheny Casualty Company,
 25 International Fidelity Insurance Company, AIA Holdings, Inc., American Contractor's Indemnity
 26 Company, Bankers Insurance Company, Accredited Surety and Casualty Company, Inc.,
 27 Lexington National Insurance Company, Seneca Insurance Company, Continental Heritage
 28 Insurance Company, Seaview Insurance Company, Danielson National Insurance Company,
 Financial Casualty & Surety, Inc., Indiana Lumbermens Mutual Insurance Company, Lexon
 Insurance Company, North River Insurance Company, Philadelphia Reinsurance Corporation,
 Sun Surety Insurance Company, United States Fire Insurance Company, Universal Fire &
 Casualty Company, Williamsburg National Insurance Company, California Bail Agents
 Association, Golden State Bail Agents Association, American Bail Coalition, Inc., Two Jinn, Inc.,
 All-Pro Bail Bonds Inc., and Jerry Watson.

1 **B. Progress Regarding Discovery**

2 Defendant ASC, on behalf of itself and Defendant Carmichael, completed document
3 production, subject to further production of documents it previously withheld on the basis of a
4 geographic scope objection (as discussed below), on August 11, 2021. The parties continue to
5 meet and confer regarding responses to Plaintiffs' interrogatories.

6 Dismissed Defendants have completed, or are close to completing, productions of
7 responsive documents that hit on Plaintiffs' proposed search terms, with the exception of
8 documents the Dismissed Defendants objected to producing that relate to states outside of
9 California; the parties submitted letter briefing on the dispute on August 12, 2021. ECF No. 208.

10 On September 30, 2021, Judge Ryu granted Plaintiffs' motion to compel production of
11 documents that Defendants ASC and Carmichael, and Dismissed Defendants, had withheld or
12 redacted on the basis of a geographic scope objection. Judge Ryu set November 29, 2021 as the
13 deadline for Defendants to comply with her order. ECF No. 230 at 1.

14 Plaintiffs have received subpoena productions from third parties Surety and Fidelity
15 Association of America ("SFAA") and the California Department of Insurance ("CDI"). SFAA
16 completed document production on March 30, 2021. CDI completed document production on
17 July 23, 2021. On October 6, 2021, Plaintiffs issued a subpoena to Barry Pearlstein, a former
18 president of the California Bail Agents Association.

19 **II. Proposed Schedule for Filing a Third Consolidated Amended Complaint**

20 Pursuant to the parties' stipulation, the current deadline for Plaintiffs to file a TCAC is
21 January 10, 2022. ECF. No. 237. The Court has not set deadlines for dispositive motions or class
22 certification, nor set any trial conference or trial dates.

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1 Dated: October 12, 2021

Respectfully submitted,

2 By: /s/ Dean M. Harvey

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1 **FILER'S ATTESTATION**

2 Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury that
3 concurrence in the filing of the document has been obtained from all the signatories.

4

5 DATED: October 12, 2021

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